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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9865

PROVIDING FOR THE PROTECTION ABROAD OF INVENTIONS RESULTING FROM RESEARCH FINANCED BY THE GOVERNMENT

WHEREAS the Government of the United States now has and will hereafter acquire title to, or the right to file foreign patent applications for, numerous inventions arising out of scientific and technical research carried on by or for the Government; and

WHEREAS it is in the interest of the United States to acquire patent protection abroad on certain inventions resulting from government-financed research; and

WHEREAS it is in the interest of the Government to foster, promote, and develop the foreign commerce of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and statutes, and as Commander in Chief of the Army and Navy, and in the interest of the foreign affairs functions of the United States and the internal management of the Government, it is hereby ordered as follows:

1. All Government departments and agencies shall, whenever practicable, acquire the right to file foreign patent applications on inventions resulting from research conducted or financed by the Government.

2. All Government departments and agencies which have or may hereafter acquire title to inventions or the right to file patent applications abroad thereon, shall fully and continuously inform the Department of Commerce concerning such inventions, except as provided in section 6 hereof, and shall make recommendations to the Department of Commerce as to which of such inventions should receive patent protection by the United States abroad and the foreign jurisdictions in which such patent protection should be sought. The recommendations of such departments and agencies shall indicate the immediate or future industrial, commercial or other value of the invention concerned, including its value to public health.

3. The Department of Commerce shall determine whether, and in what foreign jurisdictions, the United States should seek patents for such inventions and, to the extent of appropriations available therefor, shall procure patent protection for such inventions, taking all action, consistent with existing law, necessary to acquire and maintain patent rights abroad. Such determinations of the said Department shall be made after full consultation with United States industry and commerce, with the Department of State, and with other Government agencies familiar with the technical, scientific, industrial, commercial or other economic or social factors affecting the invention involved, and after consideration of the availability of valid patent protection in the countries determined to be immediate or potential markets for, or producers of, products, processes, or services covered by or relating to the invention.

4. The Department of Commerce shall administer foreign patents acquired by the United States under the terms of this order and shall issue licenses thereunder in accordance with law under such rules and regulations as the Secretary of Commerce shall prescribe. Nationals of the United States shall be granted licenses on a nonexclusive royalty free basis except in such cases as the Secretary shall determine and proclaim it to be inconsistent with the public interest to issue such licenses on a nonexclusive royalty free basis.

5. The Department of State, in consultation with the Department of Commerce, shall negotiate arrangements among governments under which each government and its nationals shall have access to the foreign patents of the other participating governments. Patents relating to matters of public health may be licensed by the Secretary of Commerce, with the approval of the Secretary of State, to any country or its nationals upon such terms and conditions as are in accordance with law and as the Secretary of Commerce determines to be appropriate, regardless of whether

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] E. O. 9866.

CODIFICATION GUIDE—Con.

such country is a party to the arrangements provided for in this section.

6. There shall be exempted from the provisions of this order (a) all inventions within the jurisdiction of the Atomic Energy Commission except in such cases as the said Commission specifically authorizes the inclusion of an invention under the terms of this order; and (b) all other inventions officially classified as secret or confidential for reasons of the national security. Nothing in this order shall supersede the de-

classification policies and procedures established by Executive Orders Nos. 9568 of June 8, 1945, 9604 of August 25, 1945, and 9809 of December 12, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 14, 1947.

[F. R. Doc. 47-5772; Filed, June 16, 1947; 11:17 a. m.]

EXECUTIVE ORDER 9866

DESIGNATION OF OFFICERS TO ACT AS SECRETARY OF THE INTERIOR

By virtue of and pursuant to the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and in the interest of the internal management of the Government, it is ordered as follows:

1. (a) The Under Secretary of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary of the Interior.

(b) The ranking Assistant Secretary of the Interior when both of the Assistant Secretaries are present, otherwise the Assistant Secretary of the Interior who is present, shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary and Under Secretary of the Interior.

(c) The Solicitor of the Department of the Interior shall perform the duties of the Secretary of the Interior in case of the death, resignation, absence, or sickness of the Secretary, the Under Secretary, and the Assistant Secretaries of the Interior.

2. The Assistant Secretary of the Interior whose commission bears the earlier date, or, if the commissions of the Assistant Secretaries bear the same date, the Assistant Secretary who took the oath of office on the earlier date, shall be the ranking Assistant Secretary of the Interior for the purpose of paragraph 1 (b) of this order.

3. This order supersedes Executive Order No. 9432, dated March 28, 1944.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 14, 1947.

[F. R. Doc. 47-5773; Filed, June 16, 1947; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 562]

PART 301—DOMESTIC QUARANTINE NOTICES

RESTRICTIONS OF JAPANESE BEETLE QUARANTINE ON FRUITS, VEGETABLES, AND CUT FLOWERS; EFFECTIVE DATES FOR SEASON

§ 301.48-4a *Administrative instructions relative to the Japanese beetle quarantine.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (b) of § 301.48-4 (Notice of Quarantine No. 48), it has been determined that the period of heavy flight of adult Japanese beetles will begin in the localities listed below on the dates given. Accordingly, it is hereby ordered that the restrictions of §§ 301.48-4 (b) and 301.48-5 relating to the heavily infested areas (§ 301.48-3), and applying to:

(a) Unprocessed, fresh, cut flowers when moved in bulk direct from the field or greenhouse where grown, or from a distributor; and

(b) Fresh fruits and vegetables of all kinds when shipped by refrigerator car or motortruck only; shall begin for the present season on the following dates:

(1) At 12:01 a. m., June 17, 1947, in the following areas:

Delaware: Sussex County.
Maryland: Entire counties of Dorchester, Somerset, Wicomico, and Worcester.
Virginia: Norfolk County: Magisterial district of Tanners Creek.
Princess Anne County: Magisterial district of Kempsville.
Entire counties of Accomac and Northampton.

(2) At 12:01 a. m., June 24, 1947, in the remainder of the heavily infested area.

These restrictions shall remain in effect during the current season until due notice of their discontinuance shall have been given. (Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161)

Compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238) is impracticable and contrary to the public interest in that regulation of the movement of cut flowers, fruits and vegetables as provided herein must become effective immediately upon the heavy flight of the adult Japanese beetle if the spread of this insect to uninfested States is to be prevented. Emergence of adults and beginning of such flight fluctuate with weather and other environmental factors, and are unpredictable within narrow time limits. This season's heavy flight is now imminent. Consequently there is no opportunity for such compliance.

Done at Washington, D. C., this 9th day of June 1947.

[SEAL] P. N. ANNAND,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 47-5674; Filed, June 16, 1947; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.311 *Plums Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Duarte plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Duarte plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Duarte plums containing plums of a size smaller than the size that will pack a 5 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (4) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Duarte plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, at least seventy-five (75) percent, by number of packages, shall be of a size not smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States standards, in the aforesaid standard basket; and said 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph; and

(*b*) The remainder of such total quantity may be of a size that will pack a 5 x 5 standard pack, as aforesaid, or of larger sizes up to, but not including, a size that will pack a 4 x 5 standard pack, as aforesaid.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum

allowable portion of such Duarte plums that will pack a 5 x 5 standard pack, and larger sizes, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next suceeding calendar day, in addition to such Duarte plums of such size that the respective shipper could have shipped on such succeeding calendar day of there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than 1 11/16 inches in diameter, such diameter, as defined in the aforesaid United States Standards being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 9/16 inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than 1 7/16 inches in diameter.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 9/16 inches in diameter, (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 7/16 inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than 1 5/16 inches in diameter.

(5) Nothing contained in this section, shall be construed (i) as preventing a shipper from shipping Duarte plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements of the section, or (ii) as permitting the shipment of Duarte plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(6) Each shipper, prior to making each shipment of Duarte plums shall, during the period set forth in subparagraph (1) of this paragraph have the plums included in each shipment inspected by a duly authorized representative of the Federal-State Inspection Service heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly or cause to be submitted promptly to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Duarte plums contained in each such lot or shipment: *Provided, however*, That, in case the following conditions exist in connection with any such shipments:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting or causing to be submitted such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(7) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(8) As used in this section, the terms "shipper," "ship," "shipping," and "shipping point" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 13th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5742; Filed, June 16, 1947; 8:49 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.312 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Burbank plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Burbank plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerances permitted in said United States Standards; or

(ii) Any package or container of Burbank plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (3) of this paragraph.

(2) During the period set forth in subparagraph (1) of this paragraph:

(i) The total quantity of Burbank plums which a shipper may ship during any day, from any shipping point, shall meet the following additional conditions:

(*a*) Of said total quantity, not more than fifty (50) percent, by number of packages, shall be of a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket; and

(*b*) The remainder of such total quantity shall be of a size larger than a size that will pack a 4 x 5 standard pack, as aforesaid, in the aforesaid standard basket.

(ii) If any shipper, during any two (2) consecutive days, ships from any such shipping point less than the maximum allowable portion of such Burbank plums that will pack a 4 x 5 standard pack, as aforesaid, the amount of such undershipment of such plums may be shipped only during the next succeeding calendar day, in addition to such Burbank plums of such 4 x 5 size that the respective shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than 1 11/16 inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 9/16 inches in diameter; and (iii) no plums contained in any such pack meas-

ure, as aforesaid, less than 1 7/16 inches in diameter.

(4) Nothing contained herein shall be construed (i) as preventing a shipper from shipping Burbank plums of a size larger than the size that will pack a 4 x 5 standard pack, as aforesaid, if said plums meet the grade requirements hereof, or (ii) as permitting the shipment of Burbank plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, even if the plums do meet said grade requirements.

(5) Each shipper, prior to making each shipment of Burbank plums shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Burbank plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(6) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(7) As used in this section, the terms "shipper," "ship," "shipping," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order; and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 13th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5734; Filed, June 16, 1947; 8:49 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.313 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Becky Smith plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1947, and ending at 12:01 a. m., P. s. t., October 1, 1947, no shipper shall ship:

(i) Any package or container of Becky Smith plums containing plums which do not meet the requirements of U. S. No. 1 grade (as specified for such grade in the United States Standards for plums and prunes (fresh), 12 F. R. 2305), with a total tolerance of ten (10) percent for defects not considered serious damage, in addition to the usual tolerance permitted in said United States Standards; or

(ii) Any package or container of Becky Smith plums containing plums of a size smaller than a size that will pack a 4 x 5 standard pack, as specified in the aforesaid United States Standards, in a standard basket, as specified in paragraph numbered 1 of section 828.1 of the Agricultural Code of California. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the total of such plums contained in any such pack measure not less than 1 11/16 inches in diameter, such diameter, as defined in the aforesaid United States Standards, being the shortest distance measured through the center of the plum at right angles to a straight line running from the stem to the blossom end; (ii) at least sixty (60) percent, by count, of the total of such plums contained in any such pack measure, as aforesaid, not less than 1 9/16 inches in diameter; and (iii) no plums contained in any such pack measure, as aforesaid, less than 1 7/16 inches in diameter.

(3) Each shipper, prior to making each shipment of Becky Smith plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Becky Smith plums contained in each such lot or shipment: *Provided, however,* That, in case the following conditions exist in connection with any such shipment:

(i) A request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The fruit is available for inspection between the hours of 7:00 a. m. and 8:00 p. m. of the day specified in the request for such inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, such signed statement to the Plum Commodity Committee, may make the particular shipment without such inspection, but such shipper shall still be held responsible for conforming with all grade and size regulations applicable to such shipment.

(4) The determination in § 936.301 with respect to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region shall be applicable to this section.

(5) As used in this section, the terms "shipper," "ship," "shipping point," and "shipment" shall have the same meaning as when used in the amended marketing agreement and order; and, the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards.

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.1 et seq.)

Done at Washington, D. C., this 13th day of June 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-5743; Filed, June 16, 1947; 8:49 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 306—CLAIMS AGAINST THE UNITED STATES

RULES OF PROCEDURE OF THE WAR CONTRACT HARDSHIP CLAIMS BOARD

In accordance with Public Law 657, 79th Congress, hereinafter referred to as the act, Executive Order No. 9786, October 5, 1946, and paragraph (b) of § 306.85 (12 F. R. 1436), the following § 306.86 prescribing rules of procedure for the conduct of the board is added as follows:

§ 306.86 *Rules of procedure of the War Contract Hardship Claims Board*—(a) *General matters*—(1) *Correspondence.* All correspondence with the Board shall be addressed "War Contract Hardship Claims Board, Office of the Under Secretary of War, Washington 25, D. C."

(i) The President of the Board and any member thereof including the Recorder may communicate directly with the chiefs of technical services; the commanding general, Army Air Forces; any agency within the War Department, and any person or agency outside the Military Establishment with respect to any information desired by the Board relative to matters pertaining to the business of the Board.

(ii) Communication with camps, posts, and stations of the Military Establishment shall be processed through regular military channels.

(2) *Technical service.* The term "technical service" as used in this section includes the Army Air Forces. [Rule I]

(b) *Duties of recorder*—(1) *Register.* The Recorder of the Board will maintain a register in which the following information will be recorded with respect to each claim:

(i) Case number assigned to claim by Recorder.

(ii) Name of claimant.

(iii) Amount of claim.

(iv) Technical service primarily concerned.

(v) Date received from technical service.

(vi) Action of Board.

(vii) Final disposition of claim.

(2) *Custodial duties.* The Recorder is hereby constituted custodian of records and files of the Board.

(3) *Authentication.* The Recorder shall authenticate and dispatch all notices to the parties.

(4) *Docket.* The Recorder under the supervision of the Board shall maintain a Hearings Docket and shall notify the Board members, the technical service concerned, and the claimant of the date, time, and place of hearings. These notices will be dispatched not later than 20 days prior to date of hearing, and the notice to the claimant shall be sent by registered mail.

(5) *Statistical record.* The Recorder shall compile statistical data with respect to each claim sufficient to make the quarterly report required of each department and war agency under section 5 of the act and section 401 of Executive Order No. 9786, October 5, 1946. [Rule 2]

(c) *Amendments and corrections.* The Board may in its discretion, upon request of the claimant and/or with his consent, allow the claim or any document contained therein to be amended or changed: *Provided, however,* That no amendment or change which materially changes the nature of the claim, or which in effect extends the filing date of the complete claim beyond February 7, 1947, shall be allowed. [Rule III]

(d) *Substitution.* Upon motion accompanied by pertinent documentary proof of the circumstances warranting a substitution of party claimant or changing the name of a party claimant, the Board may in its discretion make such substitution or correct its records to reflect the claimant's name. [Rule IV]

(e) *Hearings*—(1) *General.* Before making final determination on a claim received by it, the Board may on the request of the claimant or on its own motion grant a hearing with respect to said claim. Notice of such hearing will be sent to the claimant and other interested parties in accordance with paragraph (b) of this section.

(2) *Quorum.* A quorum of the Board for any purpose shall consist of three members.

(3) *Majority rule.* The decision of a majority of the Board members present at a hearing or who consider a claim without a hearing shall constitute the decision of the Board.

(4) *Place.* Hearings will be held at the office of the Board, Pentagon Building, Washington, D. C., or at such other place as the Board may from time to time direct.

(5) *Absence of claimant.* The absence of the claimant or his counsel, after proper notice of hearing, shall not be a basis for delay of the hearing; *Provided, however,* That the Board may grant a reasonable postponement upon request of the claimant or the interested technical service.

(6) *Arguments and briefs.* The parties may be permitted to present witnesses in support of their claims as filed, to make oral arguments, and to submit written briefs in support of their contentions. [Rule V]

(f) *Decisions*—(1) *Contents.* With respect to each claim considered, the Board will render a decision and will incorporate therein a brief statement of the facts, and the determination of the Board with respect to allowance or denial of the claim, together with reasons therefor. If the claim is allowed in whole or part the decision will also contain a statement that the Board found that the approved claim is: (i) equitable under all the circumstances, and (ii) for losses incurred without fault or negligence on the part of the claimant. [Rule VI]

(g) *Notification*—(1) *Approved claim.* When the Board approves a claim in whole or in part, it will notify the interested technical service and will request said service to proceed toward final settlement of the claim in accordance with § 306.85 (12 F. R. 1436). Request will be made in said notification that a copy of the final settlement agreement be furnished the Recorder of the Board for statistical purposes. The actual notification of the claimant in this type of case will be the function of the technical service.

(2) *Disapproved claim.* When a claim is denied the Board will notify both the technical service and the claimant. Notification to the claimant shall be sent by registered mail. [Rule VII] [WD Memo. 734–50–2, June 9, 1947]

(Pub Law 657, 79th Cong., 60 Stat. 903; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47–5669; Filed, June 16, 1947; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 370—OFFICE OF MATERIALS DISTRIBUTION

FUNCTIONS OF ORGANIZATION UNITS

Section 370.4 *Functions of organization units* (12 F. R. 2986) is amended by deleting paragraph (c). As of June 1, 1947, the Liquidation Division was placed under the functional supervision of the Director of the Division of Liquidation in the Office of the Secretary of Commerce, and its functions will be transferred to and merged with the functions of that division. The Liquidation Division of the Office of Materials Distribution is abolished as of the close of business June 30, 1947.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] H. B. McCOY,
Director,
Office of Materials Distribution.

[F. R. Doc. 47–5679; Filed, June 16, 1947; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21–400]

PART 172—VERTICAL TURBINE PUMP INDUSTRY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of June 1947.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of June 17, 1947.

Statement by the Commission. Trade practice rules for the Vertical Turbine Pump Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules are designed to foster and promote the maintenance of fair competitive conditions in the industry and to aid in maintaining high standards of ethical business conduct in the interest of protecting the industry, trade, and the public. Provisions of the rules are to be construed in the direction of preventing the unfair trade practices specified in keeping with requirements of law and the public interest.

Vertical turbine pumps of the industry are used extensively in water works, mining, agriculture, smelting, milling, construction works, marine operations, and in many other activities, for the pumping of water, sewage, gasoline, fuel oil, chemicals, seepage, and other liquids.

Members of the industry are the persons, firms, corporations, or organizations engaged in the business of manufacturing, selling, or distributing such pumps and parts therefor. The volume of business of the industry in initial sales exceeds $25,000,000 annually.

Proceedings for establishment of the rules were instituted upon application from members of the industry. A general trade practice conference for the industry was held by the Commission March 7, 1947, in Chicago, Illinois, at which suggested rules were considered. Thereafter a draft of proposed rules in appropriate form was published by the Commission and copies made available to all interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they might desire to offer and to be heard in the premises. Pursuant to the notice, such hearing was held May 28, 1947, in Washington, D. C., and all matters presented, or otherwise received in the proceeding, were duly considered.

Thereupon, and in full consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days after promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Group I

The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

Authority: § 172.1 to § 172.15, inclusive, issued under 38 Stat. 717, as amended; 15 U. S. C. 41, et seq.

§ 172.1 *Misrepresentation.* It is an unfair trade practice to use, or cause or promote the use of, any advertising by radio, newspapers, magazines or other media, or any trade promotional literature, label, brand, mark, designation, or representation (whether in the form of a guarantee, warranty, or otherwise), however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public:

(a) With respect to the quality, grade, size, capacity, properties, durability, serviceability, life, performance, construction, or constituent materials of any product of the industry; or

(b) With respect to any service offered, promised, or to be supplied to purchasers of such product; or

(c) With respect to the manufacture, distribution, servicing, or terms or conditions of sale of such product; or in any other respect. [Rule 1]

§ 172.2 *False or deceptive selling methods.* To use or promote the use of any selling method which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice. [Rule 2]

§ 172.3 *Guarantees, warranties, etc.*— (a) Guarantees which afford purchasers or users substantial and adequate protection, and are fully and fairly stated or disclosed and scrupulously adhered to by the guarantor, are desirable and recommended. It is an unfair trade practice to use or cause to be used any guarantee which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) Under this section guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any respect; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire pump or certain parts thereof which are not in fact covered, or will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantee which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the performance, serviceability, durability, or lasting qualities of the product, such as, for example, a guarantee extending for a period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered in the respective locality where the product is sold and used under the guarantee; or

(7) Purported guarantees in the form of documents, promises, representations or other form which are represented or held out to be guarantees when such is not the fact, or when they are service contracts of the type which are not guarantees, or when they involve any deceptive or misleading use of the word "Guarantee" or term of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observe his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 3]

§ 172.4 *Misrepresenting products as conforming to standard.* Representing, through advertisement or otherwise, that any product of the industry conform to a standard recognized in or applicable to the industry when such is not the fact, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 4]

§ 172.5 *Deception as to rebuilt or used products.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent, any product of the industry as being new or unused when such is not true in fact.

(b) In the marketing of rebuilt or used products of the industry, or parts thereof, or the marketing of products containing rebuilt or used parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure of the fact that such products or parts are not new but are used or second-hand or are rebuilt, as the case may be, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 5]

§ 172.6 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 6]

§ 172.7 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 7]

§ 172.8 *False invoicing.* It is an unfair trade practice to withhold from or insert in invoices any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving the purchasing or consuming public. [Rule 8]

§ 172.9 *Inducing breach of contract.* It is an unfair trade practice to induce or attempt to induce the breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or to interfere with or obstruct the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their business. [Rule 9]

§ 172.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 172.11 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry willfully to entice away employees of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking more favorable employment.

[Rule 11]

§ 172.12 *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 12]

§ 172.13 *Discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the Industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, purported allowance for alleged imperfect workmanship or defective material, or other form of price differential, where such rebate, refund, discount, credit, purported allowance for alleged imperfect workmanship or defective material, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or con-

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

sideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second sesion), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; United States Code, 1940 edition, Title 15, sec. 13c.)

[Rule 13]

§ 172.14 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is unfair trade practice for a member of the industry, or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 14]

§ 172.15 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 15]

Group II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

Rule A—Price lists. (a) The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists.

(b) The industry approves the practice of making the terms of sale a part of all published price schedules.

Rule B—Maintenance of accurate records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

Rule C—Disputes. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration.

A Committee on Trade Practices is hereby created to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission June 17, 1947.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-5664; Filed, June 16, 1947; 8:57 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 775—GENERAL

GENERAL ENFORCEMENT POLICY

§ 775.0 *General enforcement policy.* In order to clarify at this time the practices and policies which will guide the administration and enforcement of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U. S. C. 201–219), and the Walsh-Healey Act, as amended (49 Stat. 2036, 41 U. S. C. 35–45), as affected by the Portal-to-Portal Act of 1947 (Pub. Law 49, 80th Cong., 1st Sess.), the following policy is announced effective June 30, 1947.

The investigation, inspection and enforcement activities of all officers and agencies of the Department of Labor as they relate to the Fair Labor Standards Act and the Walsh-Healey Act will be carried out on the basis that all employers in all industries whose activities are subject to the provisions of the Fair Labor Standards Act or the Walsh-Healey Act are responsible for strict compliance with the provisions thereof and the regulations issued pursuant thereto.

Any statements, orders, or instructions inconsistent herewith are rescinded.

Signed at Washington, D. C., this 11th day of June 1947.

L. B. SCHWELLENBACH,
Secretary of Labor.
WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 47-5686; Filed, June 16, 1947; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

Section 201.3 is amended by the addition of a new sentence to paragraph (d), and paragraph (e) (5) (iii) is superseded by the following:

§ 201.3 *Examination.* * * *

(d) *Determination of general qualifications.* * * * Each applicant must have completed a minimum of high school or an accredited preparatory school of equal educational level.

(e) *Professional examination.* * * *

(5) *For candidates for the grade of second lieutenant.* * * *

(iii) *Evidence of prior service as an enlisted man of the first three grades.* If the candidate produces evidence that he has performed six months active service in the Armed Forces of the United States since 7 December 1941 and that he has attained one of the first three enlisted grades while in that service and that this wartime service clearly satisfies the required standards, the examining board may accept this service in lieu of any, or all, tests prescribed under proficiency qualifications for the candidates for the grade of second lieutenant, providing that the following qualifications are met:

(*a*) *Age.* Not less than 21 nor more than 28 years of age.

(*b*) *Education.* Each applicant must attain a score of 110 or higher from the AGCT.

(*c*) *Moral character.* Excellent, as indicated on service record. (See paragraph (c) of this section.)

[NGR 20, 14 Nov. 1946 as amended by NGB Cir. No. 21, 21 May 1947] (48 Stat. 155; 32 U. S. C.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-5668; Filed, June 16, 1947; 8:48 a. m.]

[1] See footnote 1, p. 3914.

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 210—STATEMENTS OF GENERAL POLICY AND INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

GENERAL ENFORCEMENT POLICY

CROSS REFERENCE: The text of § 210.0 *General enforcement policy* is identical to that of § 775.0 under Title 29, Chapter V, *supra*.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 02 [1]—ORGANIZATION AND FUNCTIONS

PART 03 [2]—PROCEDURE AND FORMS

MISCELLANEOUS AMENDMENTS

1. Section 02.104 of Subpart A, General organization and functions, is hereby amended to read as follows:

§ 02.104 *Delegation of Presidential and other authority.* The Federal Security Administrator is authorized, in his discretion, to exercise the powers of the President (a) to establish special temporary positions under section 207 (a) of the Public Health Service Act, (b) to terminate reserve commissions under section 208 (a) (2) of the act, and (c) to specify ports under section 366 (a) of the act. (See E. O. 9655, 10 F. R. 14121.) Delegations of final authority for other specific actions are described in pertinent sections.

2. Section 02.112 (c) (3) is hereby amended as follows: Delete "Form 19468" and substitute therefor "Form 1946S."

3. Section 02.112 (d) is hereby amended to read as follows:

§ 02.112 *Availability of public records.* * * *

(d) Notwithstanding the foregoing, the Surgeon General may authorize the disclosure of any information within the categories enumerated, other than categories (1) and (7), upon written application and upon determination that such disclosure would be in the public interest. Information will be furnished, subject to the general rules of evidence, upon order of a court of competent jurisdiction when a subpoena is served upon a representative of the Service competent to testify thereon. When an officer or employee of the Service is called upon to testify or produce records falling within category (1), in the absence of waiver by the patient, he shall call the attention of the court to the provisions of 58 Stat. 701; 42 U. S. C. Sup., sec. 344. When a subpoena involves a patient committed to the care of the Service by the Veterans' Administration; Bureau of Employees' Compensation, Federal Security Agency; or other Federal agency, the matter should be brought to the attention of such agency in accordance with the arrangements made for the care of such patients and the attention of the court be called to any regulations of such other agencies requiring that the information sought to be disclosed is confidential. Except in the interest of the Government, no officer or employee (either full-time or part-time) of the Public Health Service shall willingly be qualified as an expert witness in the case of a litigant who has been a patient of the Service.

4. Section 02.209 of Subpart B, Office of the Surgeon General, is amended to read as follows:

§ 02.209 *Office of International Health Relations.* This office supervises and coordinates all activities of the Service in the international health field. It maintains liaison with agencies in this field; represents the Service in international health conferences; directs a program of international exchange of health personnel and educational material; drafts sanitary conventions and regulations, and health reports required by international agreements; collects and distributes data relating to foreign medical and health institutions; supervises special health missions to foreign countries; and advises the State Department upon request regarding plans, programs, and policies in connection with the World Health Organization. The Office advises the Surgeon General on international health matters.

5. Section 02.210 (a) is amended to read as follows:

§ 02.210 *Office of the Executive Assistant.* (a) The general function of this office is supervision over administrative procedures in the internal management of the Public Health Service. The Executive Assistant is Chief of the Office. The Office includes: (1) the Office of Personnel; (2) Purchase and Supply Office; and (3) the Chief Clerk's Office.

6. Section 02.210 (b) is amended to read as follows:

(b) The Office of Personnel is responsible for planning and administering recruitment, selection, promotion, transfer, reassignment, classification, appointment and training of all civil service employees, departmental and field; and is also responsible for coordinating personnel policies, procedures, and methods in accordance with applicable laws and regulations of the Civil Service Commission.

7. Section 02.401 *Principal subdivisions of Subpart D, Bureau of Medical Services,* is hereby amended as follows: Add "Federal Employee Health Division."

8. Section 02.405 of Subpart D is hereby amended by adding the following paragraph:

§ 02.405 *Mental Hygiene Division.* * * *

(c) The Mental Hygiene Division renders assistance to the Juvenile Court of the District of Columbia through the detail and supervision of professional personnel for psychiatric services to the Court.

9. Subpart D of Part 02 is hereby amended by adding the following section:

§ 02.406 *Federal Employee Health Division.* The Federal Employee Health Division has general responsibility for carrying out the functions to be performed by the Public Health Service in connection with health programs for Government employees as authorized by Public Law 658, 79th Congress, approved August 8, 1946. More particularly, the Division (a) develops policies and standards to effectuate the purposes of the act; (b) conducts studies and prepares analyses relating to employee health programs in Government; (c) provides consultative services to the heads of departments and agencies of the Federal Government, including Government-owned and controlled corporations; (d) upon proper request, reviews and appraises the health service programs being conducted, submitting appropriate comment and recommendations; and (e) negotiates contracts with departments and agencies of the Federal Government for the operation of such programs.

10. Appendix A, List of field stations, of Part 02, is amended in the following particulars:

a. *U. S. Marine Hospitals:*

Delete "Louisville, Ky.: Portland Avenue and 22d Streets (12)."

Add "(1)" to the address of the Galveston, Texas, Marine Hospital.

Delete "Seattle, Wash.: Judkins Street and 14th Avenue South (44)" and substitute therefor "Seattle, Wash.: Judkins Street and 14th Avenue South (44). Out-patient Office: 201–8 Alaska Building."

Add "(4)" to the address of the Staten Island, Stapleton, N. Y., Marine Hospital.

Delete "Evansville 12, Ind." and substitute therefor "Evansville, Ind.: 2700 West Illinois Street (12)."

b. *Other relief stations:*

Delete "Bangor, Maine: 39 High Street" and substitute therefor "Bangor, Maine: 217 State Street."

Delete "Burlington, Iowa: 320 North Third Street" and substitute therefor "Burlington, Iowa: Room 219 Tama Building, 305 N. Third Street."

Add "Louisville, Ky.: Federal Building."

Delete "Marquette, Mich.: 107 Harlow Block" and substitute therefor "Marquette, Mich.; Savings Bank Building, 101 South Front Street."

Delete "Milwaukee 2, Wis.: 560 Federal Building" and substitute therefor "Milwaukee 2, Wis.: 560 Federal Building, 517 E. Wisconsin Avenue."

Delete "Sault Ste. Marie, Mich.: 312 Ashmun Street" and substitute therefor "Sault Ste. Marie, Mich.: Hub Building, 312 Ashmun Street."

Add "Sheepshead Bay, Brooklyn, N. Y.: U. S. Maritime Service Training Station."

Delete "Tampa 2, Fla.: 416 Tampa Street" and substitute therefor "Tampa 1, Fla.: P. O. Box 1438."

11. Section 03.232 (b) of Subpart B, office of the Surgeon General, is amended to read as follows:

§ 03.232 *Water supplies and watering points.* * * *

(b) Immediately before the beginning of each calendar year all carrier companies are circularized by letter from the Surgeon General requesting a state-

[1] 11 F. R. 177A—549.
[2] 11 F. R. 177A–555.

ment identifying sources of water used by the carrier, ownership of the supply, and location of watering points at which the water is loaded on the conveyances. This information is submitted to district offices of the Service and is transmitted by them to the appropriate State health authorities. In cooperation with the district offices, State authorities inspect the water supplies and watering points. Inspection reports and recommendations are sent to the district offices, and to the carrier company. On the basis of these reports and recommendations, the district offices recommend to the Surgeon General one of three certifications: (1) Approved; (2) Provisionally approved pending correction of defects, with a time limit set for correcting deficiencies found; (3) Prohibited. If the supply or point is given a prohibited certification, a carrier may not, consistent with the regulations, take on water at that point. A prohibited point will be reinspected upon receipt of a request for such reinspection addressed to the Surgeon General by the carrier company. Carrier companies are notified of certifications by the Surgeon General on Form 8921–D entitled "Certification of Examination of Water Provided for Common Carriers Engaged in Interstate Traffic"; in the case of change to a "prohibited" certification the company is also notified by telegram.

12. Section 03.652 (a) of Subpart D, Bureau of Medical Services, is hereby amended to read as follows:

§ 03.652 *Action following violations.* (a) When a violation of quarantine laws or regulations by any person is reported to or discovered by the medical officer in charge of a Quarantine Station, he notifies the person by letter, stating the violation and requesting a statement of facts. In the case of a violation by a vessel or aircraft, the medical officer in charge notifies the Collector of Customs who in turn notifies the operator, owner, or agent of the violation and of the forfeiture incurred. The operator or owner of the conveyance may apply to the Surgeon General for remission or mitigation of such forfeiture; the application should be filed with the Collector of Customs who will transmit it to the medical officer in charge for referral to the Surgeon General.

13. Section 03.652 (b) is hereby amended to read as follows:

(b) The file in each case is forwarded by the medical officer in charge to the Chief of the Foreign Quarantine Division for consideration of whether the circumstances warrant prosecution in the case of violation by a person, or forfeiture proceedings in the case of violation by a vessel or aircraft.

14. Subpart E, Bureau of State Services, is amended by adding the following:

GRANTS FOR HOSPITAL SURVEY AND PLANNING

§ 03.751 *General statement.* Title VI of the Public Health Service Act of July 1, 1944, as amended by the act of August 13, 1946 (Public Law 725, 79th Congress), provides in part for making Federal funds available (a) to assist States to inventory their existing hospitals, (b) to survey the need for construction of hospitals, and (c) to develop programs for construction of such public and other nonprofit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic, and similar services to the people of the several States. "Hospital" includes public health centers as well as hospitals and facilities related to either.

General administrative responsibility for this program is exercised by the Division of Hospital Facilities in the Bureau of State Services. An administrative office (Grants-in-Aid Section) in the Bureau is concerned with the personnel and fiscal management phases of the Grant Program.

§ 03.752 *Making of allotments.* The Surgeon General determines the allotment to each State upon the basis of criteria prescribed in the law. State health authorities and State agencies are notified of allotments, as the same are made, by letter from the Chief of the Division of Hospital Facilities.

§ 03.753 *State application and other required forms.* Payments from allotments to States are made after the following forms have been submitted by the State Agency designated as the sole agency for carrying out the purposes of section 601 (a) of the Public Health Service Act, and have been approved by the Surgeon General:

(a) *Form HS&P–1, State Application for Federal Funds for Survey and Planning pursuant to the Hospital Survey and Construction Act.* This form must be submitted in quadruplicate. It may be submitted prior to or simultaneously with the submission of the forms described in (b), (c) and (d) of this section. This form is designed to elicit information showing that the legal requirements of section 612 (a) of the Public Health Service Act have been met.

(b) *Joint Budget Forms 3, 3A and 3B.* The budget and budget revisions must be submitted in triplicate. The initial budget cannot be acted upon until schedule D–32 (see paragraph (c) of this section) has been received. Annual budgets subsequent to the initial budget must be submitted on on before May 15 of each year. These forms require statements of proposed expenditures by the State Agency and the source and amount of funds available for matching purposes.

(c) *Schedule D–32, Hospital Survey and Planning.* This form must be submitted in duplicate. It should be submitted with the budget. This form is designed to elicit information showing the plans of the State Agency for conducting the survey and planning program.

(d) *Form HF–3, Request for Payment.* This form must be submitted in duplicate. It contains a certificate to the effect that State appropriated funds or funds from other non-Federal sources either are or will be available and any expenditures of Federal funds granted under the Program will be matched by expenditures of twice the amount in Federal funds on or before June 30, 1948. It also contains a certificate to the effect that Federal funds granted under the Program will be expended only for Hospital Survey and Planning purposes as well as a statement to the effect that repayment to the Treasury of the United States will be made of any Federal funds which have been paid to the State Agency and not expended in accordance with the matching requirements and other provisions of the act.

§ 03.754 *Assistance in development of State programs.* Specialized consultants assigned to District Offices of the Service assist the States in developing and planning their programs. Close working relationships are maintained with the State health authorities and with State agencies for this purpose. The consultants maintain direct contact with the Division of Hospital Facilities at Headquarters for guidance in this work.

§ 03.755 *Submission and approval of forms.* All forms described in § 03.753 are submitted by the State Agency to the respective District Office of the Service where they are reviewed. Generally, the District Director tentatively approves or disapproves the forms and transmits them to Headquarters for final action. The State Agency is notified of final approval or disapproval. Amendments to these forms are handled in the same manner as the original forms.

§ 03.756 *Payments from allotments.* After its application is approved, a State Agency may submit a request for payment on Form HF–3. For the first payment, it should be submitted with or subsequent to the submission of the forms described in paragraphs (a), (b), and (c) of § 03.753. For subsequent payments this form should be submitted on or before the fifteenth day of the month preceding the end of the quarter in which subsequent payments are requested.

§ 03.757 *Audits.* Audits of activities and programs and of fiscal transactions are made periodically, by arrangement with the State authority, by personnel attached to the District Office. Exceptions taken to fiscal transaction are reviewed by the District Director who recommends to the Bureau the sustaining or withdrawal of the exceptions. On the basis of a review by the Grants-in-Aid Section, and after consultation with the Chief of the Division of Hospital Facilities, the Chief of the Bureau determines whether the exception shall be sustained or withdrawn.

Analysts also advise State Agencies as to methods of conducting fiscal affairs and upon request assist them in installing fiscal and related business methods, procedures, and records.

§ 03.758 *Reports.* Quarterly and annual financial reports containing information pertinent to the operation of State programs are required on joint financial report forms 11.1, 11.3, and 11.5.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: June 11, 1947.

MAURICE COLLINS,
Acting Federal Security Administrator.

[F. R. Doc. 47–5690; Filed, June 16, 1947; 8:51 a. m.]

PART 28—PAYMENTS TO PROVIDE TRAINING FOR NURSES

PART 30—UNIFORM AND INSIGNIA OF THE UNITED STATES CADET NURSE CORPS

PART 31—FLAG OF THE UNITED STATES CADET NURSE CORPS

LIQUIDATION OF PROGRAM

1. Part 28 is hereby amended by adding after § 28.9 the following:

§ 28.10 *Payments for period beginning July 1, 1947.* (a) Payments for continuing training of students after June 30, 1947, will be made only to institutions which had approved plans prior to July 1, 1946, and only for students who were enrolled under approved plans on or before October 15, 1945.

(b) Payments will be made at the beginning of each quarter, *Provided*, That in the discretion of the Surgeon General, a single payment may be made for the last six months of the Fiscal Year 1948.

(c) The amounts of such payments will be reduced or increased, as the case may be, by any sum by which the Surgeon General finds that unadjusted payments with respect to any prior period were greater or less than the amount which should have been paid such institutions.

§ 28.11 *Disposition of uniforms and textbooks.* Uniforms and textbooks furnished directly or indirectly by the United States, or paid for with funds received for nurse training from the United States upon certification of the Surgeon General, which are in the hands of the institution and are not to be turned over to students enrolled under the training program, shall be held for such disposition as the Surgeon General may approve or direct. Any amounts realized by an institution from the sale of such uniforms or textbooks shall be credited to the account provided for in § 28.9.

§ 28.12 *Adjustments in payments.* (a) Except as the Surgeon General may otherwise determine on the basis of equitable considerations in the individual case, adjustments in payments shall be made on the basis of the regulations in effect at the time the expenditure was made or at the time the service rendered by the institution became chargeable.

(b) After termination of an institution's approved training program, the amount of any excess of moneys received over authorized disbursements and charges, as determined by the Surgeon General, shall be refunded to the Surgeon General, Public Health Service, for deposit in the Treasury of the United States. Any amounts determined by the Surgeon General to be due the institution shall be adjusted by a final payment.

(c) The account provided in § 28.9, and all records pertaining thereto shall be kept until such time as the institution is notified of the final adjustment of payments and approval of accounts by the Surgeon General.

2. Part 30, Uniform and Insignia of the United States Nurse Corps, is hereby revoked.

3. Part 31, Flag of the United States Cadet Nurse Corps, is hereby revoked.

(57 Stat. 153, 50 U. S. C. App. Sup. 1451–1460)

Dated: June 11, 1947.

THOMAS PARRAN,
Surgeon General.

Approved: June 11, 1947.

WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 47-5689; Filed, June 16, 1947; 8:51 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51698]

1947 QUOTA ON CERTAIN FISH ENLARGED

JUNE 12, 1947.

In accordance with the second proviso to item 717 (b) of Schedule II in the trade agreement with Canada (T. D. 49752), it has been ascertained that the average apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: cod, haddock, hake, pollock, cusk, and rosefish, in the 3 years preceding 1947, calculated in the manner provided for in the cited agreement, was 159,376,156 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1947 at the reduced rate of duty provided for in that trade agreement is, therefore, increased from 15,000,000 to 23,906,423 pounds.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 47-5687; Filed, June 16, 1947; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2855]

TACA, S. A.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Taca, S. A. for amendment of its foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that oral argument in the above proceeding is assigned to be held on June 26, 1947, 10 a. m., eastern daylight saving time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 11, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5680; Filed, June 16, 1947; 8:49 a. m.]

[Docket No. 2984]

ROYAL DUTCH AIR LINES (KLM)

NOTICE OF HEARING

In the matter of the application of Royal Dutch Air Lines (KLM) pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of a foreign air carrier permit authorizing foreign air transportation between Amsterdam, the Netherlands, and New York, N. Y., via intermediate points, so as to extend the term of said permit.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on June 27, 1947, at 10 a. m. (eastern daylight savings time) in Room 1508, Department of Commerce Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Kingdom of the Netherlands.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before June 27, 1947, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 12, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-5681; Filed, June 16, 1947; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ADIRONDACK BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on March 13, 1947 (as amended May 28, 1947), there was filed with it an application (BTC–553) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of The Adirondack Broadcasting Company licensee of WABY, Albany, N. Y., from Harold E. Smith and Raymond N. Curtis to the Press Co. The proposal to transfer control arises out of a contract of May 15, 1947, pursuant to which said Smith and Curtis agree to sell their total of 105 out of 200 shares (52.5%) of the common voting stock of The Adirondack Broadcasting Company (WABY) to the Press Company, Albany, N. Y., for $25,000 in cash plus 250 out of 760 shares of the capital stock in WOKO, Inc., now owned by the Press Company and valued at $118.750, or a total consideration of $143,750. The cash and stock shall be tendered to the sellers on the date of closing which shall be within 30 days of receipt of the written consent of the FCC to the transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on May 28, 1947, that starting on June 6, 1947, notice of the filing of the application would be inserted in a newspaper of general circulation at Albany, N. Y., in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from June 6, 1947, within which time other persons desiring to apply for the facilities involved may do upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47–5694; Filed, June 16, 1947; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–867]

NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTIONS IN PART AND DENYING IN PART

It appearing to the Commission that:

(a) On May 20, 1947, Koppers Company, Inc., an intervener herein, filed a motion in the alternative for (1) dismissal of the application of Northern Natural Gas Company herein, or (2) an order requiring Northern Natural Gas Company to amend its application to conform to the rules and regulations of the Commission.

(b) On May 26, 1947, Northern Natural Gas Company filed a motion for (1) continuance of the hearing herein, heretofore set for June 16, 1947, to a date not prior to September 16, 1947, and not later than October 14, 1947, and (2) for an order fixing the place of such hearing in the City of Omaha, Nebraska, rather than in Washington, D. C.

(c) On June 3, 1947, Koppers Company, Inc., filed an answer to the motion of Northern Natural Gas Company, concurring in the motion for continuance but opposing change of place of hearing.

The Commission orders that:

(A) The hearing in this proceeding, heretofore set for June 16, 1947, be and the same is hereby postponed to October 13, 1947, at the same time and place.

(B) Northern Natural Gas Company be and it is hereby directed to file with the Commission, not later than thirty days before the commencement of the hearing in this matter, a supplement to its application. Said supplement shall contain all information respecting the facilities applied for not now contained in the application, and which is required by the rules and regulations of the Commission respecting such matters.

(C) The said motions be and they are hereby denied in all respects other than those granted in paragraphs (A) and (B) above.

(D) Prior to the date herein fixed for the commencement of the public hearing, the officer designated by the Commission to preside at the public hearing may hold a prehearing conference of all parties participating in the proceedings concerning the matters of fact and law asserted in the application and other pleadings filed in this proceeding for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearing.

Date of issuance: June 11, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47–5676; Filed, June 16, 1947; 8:49 a. m.]

[Docket No. G–904]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

JUNE 11, 1947.

Notice is hereby given that on May 20, 1947, Kansas-Nebraska Nautral Gas Company, Inc. (Applicant), a Kansas corporation, having its principal places of business at Phillipsburg, Kansas, and Hastings, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described facilities:

(1) One (1) additional 1,000 H. P. compressor unit to be installed at Applicant's Deerfield compressor station near Deerfield, Kearny County, Kansas.

(2) One (1) additional 1,000 H. P. compressor unit to be installed at Applicant's Scott City compressor station near Scott City, Kansas.

(3) One (1) 1,000 H. P. compressor unit to be installed at Applicant's Palco compressor station near Palco, Kansas.

(4) Two (2) 600 H. P. compressor units to be installed at Applicant's Otis compressor station near Otis, Kansas.

(5) A new compressor station in the vicinity of Cozad, Nebraska, in which there is proposed to be installed two (2) 125 H. P. Worthington compressor units.

(6) Installation in the vicinity of Davenport, Nebraska, of one or two 40 H. P. portable compressor units.

Applicant further requests authority to remove and relocate the following-described facilities:

Remove two (2) 125 H. P. Worthington compressor units presently located in Applicant's Stockton compressor station and install the same in a new compressor station to be located near Cozad, Nebraska, as described in paragraph (5) above.

Applicant states that the proposed construction and installations are for the purpose of assuring continuity of and better service to the markets presently served by Applicant. It is stated that the development of the Unruh area and the constantly increasing production of natural gas therefrom makes necessary the re-installation in the Otis compressor station of equipment removed therefrom in 1946.

The presently installed and additional proposed horsepower and daily capacity at each compressor station is stated to be as follows:

Station	Installed horsepower			Total daily capacity mcf
	Present	Proposed	New total	
Deerfield	1,800	1,000	2,800	109,100
Scott City	5,000	1,000	6,000	100,400
Otis	0	1,200	1,200	20,800
Palco	2,500	1,000	3,500	59,500
Cozad	0	250	250	-------
Davenport	0	80	80	-------

The estimated total over-all capital cost of the proposed construction is $462,500. Applicant proposes to finance the cost from a portion of the proceeds from the sale of 5,000 shares of preferred stock and from the proceeds from the sale of approximately 56,992 shares of common stock of Applicant. No firm commitments have as yet been secured relative to financing the proposed construction. Total annual fixed charges on the proposed construction are estimated at $23,125 and it is estimated that total additional annual operating expenses incident to such construction will be approximately $6,300.

Applicant states that while the proposed construction will enable the transportation, delivery and marketing of increased volumes of gas and thus add to the total revenues of Applicant, it has not been considered practicable to estimate the precise amount of such increased

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

revenues that should be allocated to the new construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Kansas-Nebraska Natural Gas Company, Inc., is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding so as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5677; Filed, June 16, 1947; 8:49 a. m.]

[Docket No. G-905]

EQUITABLE GAS CO.

NOTICE OF APPLICATION

JUNE 10, 1947.

Notice is hereby given that on May 28, 1947, Equitable Gas Company (Applicant), a Pennsylvania corporation having its principal place of business at Pittsburgh, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain storage pipe lines and compressing equipment for use in connection with Applicant's Kirby Storage Pool, located in Whiteley and Perry Counties, Pennsylvania, all as more particularly hereinafter described.

Applicant proposes to construct approximately 60,000 feet of 12-inch pipe line from Applicant's existing Rogersville Compressor Station to the Kirby Storage Pool; approximately 7,500 feet of 8-inch and approximately 7,000 feet of 6-inch pipe line connecting 10 storage wells in the Kirby Storage Pool; a 400 H. P. compressor unit with auxiliary equipment and building to be located at Applicant's Rogersville Compressor Station; and two orifice meters, one to be installed at the discharge side of the Rogersville Compressor Station and the other at the interseetion of the proposed new 12-inch line and Applicant's existing 16-inch main line.

Applicant recites that the additional compressor unit will be used as the third stage of compression and pump gas into storage from 300 pounds to a maximum discharge pressure of 750 pounds. The proposed new 12-inch pipeline will be used to transport the gas from the Rogersville Compressor Station to the Kirby Storage Pool. After the pool is fully repressured, the wells will be shut in. The gas will be held in reserve in the pool until the demand for gas requires its use in meeting peak winter loads, at which time the gas will be fed into the transmission system through the proposed 12-inch line. After sufficient gas has been withdrawn to lower the pressure of the pool, the proposed 12-inch line will be used to carry the gas back to the Rogersville station and pumped into transmission, together with the local field gas regularly pumped by Rogersville. Applicant estimates that when the Kirby Storage Pool is brought to full pressure, with the facilities hereinbefore described, it will deliver a maximum of 13,200 Mcf per day; the deliverability declining with the decline in pool pressure. Applicant states that the gas required for storage will come from its local production in the State of Pennsylvania, and pipeline purchases of gas produced outside the State of Pennsylvania, deliveries of which are made to Applicant at the Pennsylvania-West Virginia State line. Applicant recites that curtailments to its industrial consumers totaled 39,350 Mcf on the peak day (February 5, 1947) of the past winter season.

Applicant estimates the over-all cost of construction will total $460,000. Applicant states no outside financing is expected to be required.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Equitable Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946), and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceedings as to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying, or otherwise answering, specifically and in detail, each material allegation of facts or law asserted in the proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-5678; Filed, June 16, 1947; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29762]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT KANSAS CITY, KANS.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pick-up and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal area of Kansas City, Mo., and Kansas City, Kans., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal area, on the other, and

It appearing, that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal area, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the

appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on July 14, 1947, at 9:30 a. m., U. S. standard time, at Hotel President, Kansas City, Mo.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

The Atchison, Topeka and Santa Fe Railway Company.
Chicago, Burlington & Quincy Railroad Company.
Chicago Great Western Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees).
Gulf, Mobile and Ohio Railroad.
The Kansas City Southern Railway Company.
Missouri-Kansas-Texas Railroad Company.
Missouri Pacific Railroad Company (Guy A. Thompson, Trustee).
St. Louis-San Francisco Railway Company.
Union Pacific Railroad Company.
Wabash Railway Company.

Common Carriers by Motor Vehicle

Brooks Truck Company, MC 1178.
Campbell Sixty-Six Express, Inc., MC 75320.
The Chief Freight Lines Company, MC 71478.
P. F. Felten, dba Felten Transfer & Truck Line, MC 7341.
J. W. Healzer, dba Healzer Cartage Company, MC 46599.
O. W. Horn, dba C & G Truck Line, MC 106194.
Pacific Intermountain Express Co., MC 730.
Powell Bros. Truck Lines, Inc., MC 66808.
William A. Schien, dba Schien Truck Lines, MC 69236.
William C. Shaw, dba City Transfer & Storage Co., MC 3102.
Toedebusch Transfer, Inc., MC 6616.
Transamerican Freight Lines, Inc., MC 10761.
Watson Bros. Transportation Co., Inc., MC 70451.
Yellow Transit Co., MC 29778.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association.
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5670; Filed, June 16, 1947; 8:48 a. m.]

[No. 29763]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT TWIN CITIES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pick-up and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal areas of Minneapolis and St. Paul, Minn., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal areas, on the other, and

It appearing, that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal areas, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on July 23, 1947, at 9:30 a m., U. S. Standard Time, at U. S. Court House, Marquette Ave. and 43d St., Minneapolis, Minn.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

Chicago, Burlington & Quincy Railroad Company.
Chicago Great Western Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees).
Chicago, Saint Paul, Minneapolis and Omaha Railway Company.
Great Northern Railway Company.
The Minneapolis & St. Louis Railway Company.
Minneapolis, St. Paul & Sault Ste. Marie Railroad Company.
Northern Pacific Railway Company.

Common Carriers by Motor Vehicle

Ace Lines, Inc., MC 52751.
Albrent Freight and Storage Corp., MC 1550.
Lloyd W. Archbold, dba Speedway Transit, MC 36994.
Bos Freight Lines, Incorporated, MC 21170.
Briggs Transfer Company, MC 29555.
Britton Motor Service, Inc., MC 18459.
Bruce Motor Freight, Inc., MC 52310.
Earl F. Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Oliver L. Buckingham, dba Buckingham Transportation Company, MC 103435 Sub.-1.
Central Wisconsin Motor Transport, MC 73546.
Century-Matthews Motor Freight, Inc., MC 108223.
Consolidated Freightways, Inc., MC 42487.
G & P Transportation Co., Inc., MC 58929.
Gateway City Transfer Company, Inc., MC 80430.
Glendenning Motorways, Inc., MC 43475.
Urban J. Haas and Cyril H. Wissel, dba H & W Motor Express Company, MC 69224.
Matt W. Hanten and Roy Wheaten, dba Western Transportation Company, MC 9921.
George Hart, dba Hart Motor Express, MC 78643.
A. G. Henneman and Frank Babbitt, dba A. G. Henneman Transfer, MC 56169.
Charles Hildenbrand and Elias Hildenbrand, dba Advance Express Co., MC 1550.
Ralph D. Holt, dba Certified Motor Transport, MC 41382.
Ernest Robert Koepp, dba Koepp Trucking Service, MC 17674.
Victor McKeown, dba McKeown Trucks, MC 67801 Sub.-2.
Arthur A. McCue, dba Minnesota-Wisconsin Truck Line, MC 42380.
Merchants Motor Freight, Inc., MC 76266.
Midwest Motor Express, Inc., MC 2153.
Howard Moland, Clarence Moland, Lothard Moland and H. T. Moland, dba Moland Bros. Trucking Co., MC 36436.
Mueller Transportation Company, MC 77486.
Murphy Motor Freight Lines, Incorporated, MC 11112.
Milo Olsen, dba Twin City-Fargo Express, MC 52326.
Robert A. Peters, dba Peters Truck Express, MC 67322.
Peter C. Peterson, Earl K. Peterson and Clarence D. Peterson, dba Bison Freight Lines, MC 65876.
Raymond Bros. Motor Transportation, Incorporated, MC 66788.
Emil Stadelmaier, Kenneth G. Heimbachard and William M. Kidder, dba Minnesota-Illinois Truck Line, MC 106032.
Ralph M. Wallace and Isabel Wallace, dba Northwest Freight Lines, MC 52986.
Earl F. Schultz, dba Service Transfer & Storage Company, MC 23111.
Schumacher Motor Express, Inc., MC 107063.
Tri-State Transportation Co., Inc., MC 106298.
Union Transfer Company, dba Union Freightways, MC 58948.
United Shipping Co., MC 107605.
Watson Bros. Transportation Co., Inc., MC 70451.
Werner Transportation Co., MC 8600.
Wheeler Transportation Company, MC 26519.
Witte Transportation Company, MC 8964.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association, Inc
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5671; Filed, June 16, 1947; 8:48 a. m.]

[No. 29764]

CANADIAN PACIFIC RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT SEATTLE, WASH.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pickup and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal area of Seattle, Wash., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal area, on the other, and

It appearing that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consigees, or their representatives, and the practices pertaining thereto, for the transportation in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal area, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on August 4, 1947, at 9:30 a. m., U. S. standard time, at Olympic Hotel, Seattle, Wash.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

Canadian Pacific Railway Company.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Great Northern Railway Company.
Northern Pacific Railway Company.
Union Pacific Railroad Company.

Common Carriers by Motor Vehicle

John Barber, dba Bellingham Transfer, MC 79091.
Black Ball Freight Service, MC 7325 Sub.-1.
Ralph J. Bliss, dba Burien-Des Moines Auto-Freight, MC 52582.
British Columbia-Seattle Transport, Inc., MC 88442.
Frank Brozovitch, dba Valley Truck Service, MC 74476.
L. L. Buchanan & Co., Inc., MC 40088.
Buck's Auto Freight Company, Inc., MC 7356.
Peter Capponi and Jack Capponi, dba Capponi Bros., MC 52342.
Remo Castagno and Frank Castagno, dba Issaquah Auto Freight and/or Renton Auto Freight, MC 41522.
A. M. Clark, dba Clark's Auto Freight, MC 14283.
Wm. C. Clark, dba Poulsbo-Seattle Auto Freight, MC 22392.
J. J. Cleveland, dba Whidby-Camano Auto Freight, MC 76012.
Coast Transit, Inc., MC 100363 Sub.-1.
Consolidated Freightways, Inc., MC 42487.
Lloyd E. Eckert, dba Eckert Freight Lines, MC 55415.
Forney & Sons, Inc., dba Forney Freight Lines, MC 252.
George Giffin, Franklin Johnson and Albert Opperman, dba Robertson Freight Lines, MC 106204.
C. M. Gronley, dba Bainbridge Auto Freight, MC 75346.
John Harkoff, Jr., and Richard H. Gourdine, dba Lynden Transfer, MC 65802.
Lloyd D. Heffernan & W. D. Heffernan, dba S & S Auto Freight, MC 52530.
John J. Hesselbrock and Frank Talbot, dba Spokane-Pacific Line, MC 106962.
Agnes Heyser, dba Heyser's Nickel Plate Line, MC 32779.
Everett A. Hoagland, dba Hoagland Transfer Co., MC 40505.
E. R. Holeman, dba Mount Vernon Transfer Company, MC 44345.
Humphries Transport, Incorporated, MC 88817.
Hutchings Fast Freight, Inc., MC 94092 Sub.-1.
Inland Motor Freight, MC 59077.
Inter-City Auto Freight, Inc., MC 20994.
Interstate Freight Lines, Inc., MC 1129.
Henry Johnson, dba Johnson Truck Service, MC 58936.
Arthur W. Lee and George V. Eastes, dba Lee and Eastes, MC 2697.
Harmon Leonard, dba Southway Freight Service, MC 21764 Sub.-4.
Los Angeles-Seattle Motor Express, Inc., MC 68618.
Model Truck and Storage Co., MC 18725.
Ernest B. Olmsted, dba Home Transfer Company, MC 7228.
Pacific Highway Transport, Inc., MC 52920.
Portland-Seattle Auto Freight, Inc., MC 66976.
C. J. Pozzi, J. O. Pozzi and Ralph Pozzi, Jr., dba Pozzi Bros. Transportation Co., MC 7205.
Puget Sound Express, Inc., MC 81986.
I. W. Rash, dba Wenatchee-Seattle Transport Co., MC 69044 Sub.-1.
Roy L. Roe and L. F. Echelbarger, dba Edmonds-Alderwood Auto Freight, MC 41359.
C. L. Russell and John F. DeNoma, dba North End Auto Freight, MC 103726.
Seattle-Vancouver, B. C., Motor Freight (1946), Ltd., MC 94111.
John R. Sexton, dba Sexton Auto Freight, MC 9786.
Skagit River Motor Lines, Inc., MC 106289.
South Bay Motor Freight Co., Inc., MC 79690.
Gerald Stensland, dba North Counties Freight Line, MC 73299.
Joe Sunnen, dba Commercial Distributing Company, MC 55085.
System Freight Service, MC 59074.
Tacoma Moving & Storage Co., MC 6230.
Tacoma-Seattle Distributing Company, Inc., MC 13269.
A. P. Taylor, dba Hood Canal Auto Freight, MC 47842.
L. A. Tooker, dba Tooker's Motor Freight, MC 88688.
United Truck Lines, Inc., MC 7746.
John VanderPol, Gus VanderPol, and Henry VanderPol, dba Oak Harbor Freight Lines, MC 49384.
Vashon Auto Freight Co., MC 33915.
West Coast Fast Freight, Inc., MC 55905.
Kenwood A. Youmans, dba Kirkland Transfer Co., MC 76054.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association, Inc.
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5672; Filed, June 16, 1947; 8:48 a. m.]

[No. 29765]

GREAT NORTHERN RAILWAY CO. ET AL.

ALLOWANCES FOR PICK-UP AND DELIVERY AT PORTLAND, OREG.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of June A. D. 1947.

The Commission having under consideration the matter of compensation paid and allowances made to persons performing pick-up and delivery service or transporting less-than-carload and less-than-truckload shipments at the terminal area of Portland, Oreg., between freight stations of common carriers by railroad, common carriers by motor vehicle, and freight forwarders, subject to the Interstate Commerce Act, on the one hand, and other points in said terminal area, on the other, and

It appearing that such compensation is paid and allowances are made in connection with a substantial volume of freight moving in interstate and foreign commerce by said common carriers and freight forwarders:

It is ordered, That an investigation be, and it is hereby instituted, upon the Commission's own motion, into and concerning the payment of compensation and the making of allowances to warehousemen, pool-car distributors, shippers, consignors, and consignees, or their representatives, and the practices pertaining thereto, for the transportation

in interstate and foreign commerce of less-than-carload and less-than-truckload shipments between such stations and other points in said terminal area, with a view to determining whether the said common carriers and freight forwarders are paying compensation or making allowances to warehousemen and others mentioned above in excess of the amounts provided in the tariffs of said common carriers and freight forwarders as allowances to shippers, consignors, and consignees which elect to perform their own pick-up and delivery service, in violation of sections 6 (7), 15 (13), 217 (b) and (d), 225, 405 (c) and (e), and 415 of the Interstate Commerce Act, and to making such findings and entering such order or orders, or taking such other action, as may be warranted by the record.

It is further ordered, That the common carriers by railroad and motor vehicle and freight forwarders listed in the appendix hereto be, and they are hereby, made respondents to this proceeding.

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Burton Fuller on August 11, 1947, at 9:30 a. m., U. S. standard time, at Hotel Multnomah, Portland, Oreg.

And it is further ordered, That a copy of this order be served on each of said respondents, and at the same time copies be posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

LIST OF RESPONDENTS

Common Carriers by Railroad

Great Northern Railway Company.
Northern Pacific Railway Company.
Southern Pacific Company.
Spokane, Portland and Seattle Railway Company.
Union Pacific Railroad Company.

Common Carriers by Motor Vehicle

R. R. Bailey, dba Willamette Valley Transfer Co., MC 44914.
Beckett Truck Line, Inc., MC 58919.
Frank Bentley and M. M. Hicks, a Partnership, dba Woodburn Truck Line, MC 24943.
Mitchell G. Bower, dba Bower Truck Service, MC 1083.
Lenus F. Boys, dba Woodland Truck Line, MC 297.
C. L. Brown, E. C. Purvine, Othello G. Purvine, a Partnership, dba Salem Navigation Co., MC 7418.
C. D. Chamberlain, dba Chamberlain Truck Service, MC 25665.
Consolidated Freightways, Inc., MC 42487.
The Dalles Freight Line, Inc., MC 6007.
Garrett Freightlines, Inc., MC 263.
L. C. Hall, dba L. C. Hall's Truck Line, MC 40003.
F. D. Hartwick, dba Nehalem Valley Motor Freight, MC 39375.
John J. Hesselbrock and Frank Talbot, a Partnership, dba Spokane-Pacific Line, MC 106962.
J. A. Jossy, dba Newberg Auto Freight, MC 29821.
William Jossy, dba Bend-Portland Truck Service, MC 23976.
James A. Kotz and Arnold A. Zoller, a Partnership, dba S & M Truck Line, MC 9251.
Arthur W. Lee and George V. Eastes, dba Lee and Eastes, MC 2697.
Lester Auto Freight, Inc., MC 28733.
Manlowe Transfer Co., Inc., MC 11179.
Harry F. Martin and Anton J. Martin, a Partnership, dba Martin Transfer Company, MC 52024.
J. W. McCracken and E. E. McCracken, dba McCracken Bros. Motor Freight, MC 65332.
Oregon-Nevada-California Fast Freight, Inc., MC 9115.
Pierce Auto Freight Lines, Inc., MC 17593.
Portland-Pendleton Motor Transportation Co., a Corporation, MC 107576.
Rand Truck Line, Inc., MC 28905.
Silver Wheel Motor Freight, Inc., MC 28901.
L. V. Smart and C. F. Corbett, dba Service Auto Freight Co., MC 70393.
Tillamook-Portland Auto Freight, Inc., MC 37563.
L. H. Wright, dba Wright Truck Line, MC 39727.

Freight Forwarders

Acme Fast Freight, Inc.
International Forwarding Co.
Merchant Shippers Association.
National Carloading Corporation.
Universal Carloading & Distributing Co., Inc.

[F. R. Doc. 47-5673; Filed, June 16, 1947; 8:48 a. m.]

No. 118——3

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1466]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN LIGHT & TRACTION CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of June 1947.

American Light & Traction Company ("American Light"), a registered holding company and Michigan Consolidated Gas Company ("Michigan Consolidated"), a subsidiary of American Light, having filed a joint application and amendments thereto under section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") in which Michigan Consolidated proposed to issue and sell, pursuant to the competitive bidding provisions of Rule U-50 promulgated under the act, $6,000,000 principal amount of its --% series First Mortgage Bonds, dated March 1, 1947 and maturing March 1, 1969; and

The Commission by order dated May 20, 1947 having granted said application, as amended, subject to the condition, among others, that the proposed issuance and sale of the bonds not be consummated until results of the competitive bidding pursuant to Rule U-50 were made a matter of record herein and an order was entered by the Commission upon the record as so completed, jurisdiction being reserved for such purpose; and

Michigan Consolidated having filed a further amendment stating that, in accordance with the order of the Commission dated May 20, 1947, it has offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and, on June 9, 1947, received the following bids:

	Price to company [1]	Coupon rate	Net interest cost to company
		Percent	*Percent*
Halsey, Stuart & Co., Inc.	101.269	2⅞	2.7974
White, Weld & Co.	100.520017	2⅞	2.8430
Dillon, Read & Co., Inc.	100.3199	2⅞	2.8553
Glore Forgan & Co. / W. C. Langley & Co.	100.273	2⅞	2.8582
Harris, Hall & Co. / Drexel & Co.	101.63	3	2.8993
Lehman Bros.	101.5397	3	2.9048
The First Boston Corp.	101.30	3	2.9195

[1] Plus accrued interest.

The amendment further stating that Michigan Consolidated has accepted the bid of Halsey, Stuart & Co., Inc. for the bonds, and that the purchaser proposes to offer the bonds to the public at 102.05% of the principal amount thereof, plus accrued interest thereon from March 1, 1947 to the date of delivery, resulting in an underwriting spread of 0.781% of the principal amount of said bonds.

The Commission having considered the record as so completed by said amendment, and finding that the applicable standards of the act and the rules and regulations have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds or the underwriters' spread and allocation thereof;

It is ordered, That, subject to the terms and conditions prescribed by Rule U-24, jurisdiction heretofore reserved be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5683; Filed, June 16, 1947; 8:50 a. m.]

[File 70-1530]

PUBLIC SERVICE CO. OF NEW MEXICO

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of June 1947.

Notice is hereby given that applications or declarations (or both) and an amendment thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Mexico ("Public Service"), a subsidiary of Federal Light & Traction Company, a registered holding company. The applicant-declarant has designated section 6 (b) and Rule U-50 as applicable to the proposed transactions.

All interested persons are referred to said applications or declarations (or both) on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Public Service proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $6,800,000 principal amount of First Mortgage Bonds, --% Series due 1977, the interest rate

and the price to Public Service to be determined by competitive bidding.

Public Service proposes to amend its Certificate of Incorporation to provide for an increase of its authorized capital stock from $5,250,000 to $10,000,000, such increase to consist of 47,500 shares of $100 par value Cumulative Preferred Stock.

Public Service proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, 20,000 shares of $100 par value __% Cumulative Preferred Stock, the dividend rate and the price to Public Service to be determined by competitive bidding.

Public Service proposes to apply the net proceeds of the proposed sale of the Bonds and Preferred Stock to the redemption of all of the outstanding bonds issued or assumed by it and to the prepayment of a bank loan as follows:

To the redemption, at 103½ percent of the principal amount, of $3,267,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of Albuquerque Gas & Electric Co	$3,381,345
To the redemption, at 103½ percent of the principal amount of $1,700,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of New Mexico Power Co	1,759,500
To the redemption, at 103½ percent of the principal amount, of $300,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of Deming Ice & Electric Co	310,500
To the redemption, at 103½ percent of the principal amount, of $225,000 principal amount of first mortgage bonds, 3½ percent series due 1966 (exclusive of interest) of the Las Vegas Light & Power Co	232,875
To the prepayment of a $1,000,000 principal amount two percent bank loan note dated Feb. 14, 1947 (exclusive of interest)	1,000,000
	6,684,220

The balance of the net proceeds after payment of expenses incurred in connection with such redemptions, including overlapping interest, is to be added to the general funds of the company and will be available for construction of property additions and improvements and to reimburse Public Service for expenditures heretofore made for such purposes.

Public Service requests an interim order with respect to the aforesaid proposed amendment to its Certificate of Incorporation.

It is ordered, That a hearing on said applications or declarations, pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on June 24, 1947, at 11:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held.

It is further ordered, That William W. Swith or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the applications or declarations and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed issue and sale of securities by Public Service is exempt from the provisions of section 7 of the act pursuant to section 6 (b) thereof, and particularly whether said issue and sale are solely for the purpose of financing the business of Public Service and have been expressly authorized by the state commission of the State in which it is organized and doing business.

2. In the event such exemption is granted to Public Service, what terms and conditions, if any, should be imposed in the public interest or for the protection of investors or consumers.

3. Whether it is appropriate to grant the request of Public Service for an interim order in respect of the proposed amendment to its Certificate of Incorporation.

4. Whether the fees, commissions, or other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether the accounting entries to be made in connection with the proposed transactions are proper and are in accordance with sound accounting principles.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission, on or before June 20, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice, stating the nature of his interest, which of the foregoing matters and questions he desires to controvert and what additional matters and questions, if any, he deems are raised by the said application or declaration (or both).

It is further ordered, That notice of said hearing be, and hereby is, given to Public Service, and to all interested persons, said notice to be given to Public Service Company of New Mexico, The New Mexico Public Service Commission, and to the Cities of Albuquerque, Santa Fe, Las Vegas and Deming, in the State of New Mexico, by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5685; Filed, June 16, 1947; 8:50 a. m.]

[File No. 70-1536]

NORTH PENN GAS CO. AND PENNSYLVANIA GAS & ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of June 1947.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, and its subsidiary, North Penn Gas Company ("North Penn"), a registered holding company and a gas utility company, having filed an application-declaration and amendments thereto pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder regarding the following transactions:

North Penn proposes to redeem by the use of treasury cash all of its presently outstanding $7 Prior Preferred Stock, consisting of 5,921 shares exclusive of treasury shares, at the redemption price of $107.50 per share. North Penn will cancel and retire the shares of $7 Prior Preferred Stock to be redeemed plus the 267 shares thereof presently held in North Penn's treasury. It is further proposed that North Penn's charter be amended in order to eliminate therefrom authorization for the $7 Prior Preferred Stock and the two other classes of preferred stock of which no shares are issued or outstanding.

Such application-declaration having been filed on the 26th day of May 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective; and

The applicant-declarant having requested that the Commission's order with respect to said application-declaration become effective on or before June 10, 1947 in order that the notice of redemption of said $7 Prior Preferred Stock may be mailed at least 30 days prior to the proposed date of the redemption, July 15, 1947, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5684; Filed, June 16, 1947; 8:50 a. m.]

[File No. 70-1539]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of June A. D. 1947.

Notice is hereby given that an application, and an amendment thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Central Vermont Public Service Corporation ("Central Vermont"), a public utility company and a subsidiary of New England Public Service Company, a registered holding company. Applicant designates the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 23, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. At any time after June 23, 1947, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Vermont proposes to borrow from one or more banks, during the remainder of the year 1947, an amount not in excess of $1,600,000 (including $550,000 presently outstanding short term obligations), and to issue from time to time in evidence thereof its promissory notes with a maturity of not more than nine months from the date of issue thereof. The issuance of such notes is for the stated purpose of financing the company's construction program (including the rebuilding, repairing and replacing of certain of its properties damaged by flood) prior to the time when funds will be available from permanent financing. Applicant states that it has been informed by The First National Bank of Boston that it will loan the company the additional funds required at the rate of 1½% per annum.

The amount of such notes will constitute approximately 10.5% of the principal amount and par value of other outstanding securities of Central Vermont, and the company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such notes. Applicant states that the transactions are not subject to the jurisdiction of any commission other than this Commission.

Applicant requests that the Commission's order granting the application become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-5682; Filed, June 16, 1947; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8995]

HERMINE WISSEL

In re: Estate of Hermine Wissel, deceased. File D-28-11475; E. T. sec. 15697.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation it is hereby found:

1. That Nelda Boden and Gudrun Boden, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Nelda Boden, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Hermine Wissel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by W. S. Solari and I. L. Harris, as Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Nelda Boden are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5695; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9056]

VERNIE L. BIELEFELDT

In re: T/W of Vernie L. Bielefeldt, deceased. File D-28-10611-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rainer Gunther, Eckhard Gunther and Dietrich Weber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Dorothy Weber, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Vernie L. Bielefeldt, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above-named persons and the personal representatives, heirs, next-of-kin, legatees and distributees of Dorothy Weber, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5696; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9061]

OTTO C. KNOBLAU

In re: Estate of Otto C. Knoblau deceased. File D-28-10779; E. T. sec. 15124.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tony Kotzerke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $192.62 was paid to the Attorney General of the United States by John Yeager, Administrator of the Estate of Otto C. Knoblau, deceased;

3. That the said sum of $192.62 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on March 3, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5697; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9120]

WILHELM VOGT

In re: Debt owing to Wilhelm Vogt.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Vogt, whose last known address is Spadnerstrasse 18, Wesermundelehe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wilhelm Vogt, by American Express Company, 65 Broadway, New York 6, New York, in the amount of $200.00, as of December 8, 1945, and any and all accruals thereto, evidenced by ten (10) travelers checks, numbered B21111440 to B21111449, both numbers inclusive, issued by said American Express Company, 65 Broadway, New York 6, New York, and presently in the possession of the Attorney General of the United States, and any and all rights to demand, enforce and collect the aforementioned debt or other obligation, together with any and all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of the aforesaid travelers checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5698; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9121]

ELSA VON HANNEKEN

In re: Bank account, bonds and stock owned by and debt owing to Elsa von Hanneken. F-28-24085-A-1, F-28-24085-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa von Hanneken, whose last known address is Hof Bokelberge, Post Muden Krs. Gifhorn, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Elsa von Hanneken by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a sundries account, entitled Mrs. Elsa von Hanneken, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Elsa van Hanneken by the National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $426.69, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. Three (3) Kingdom of Belgium 4% Unified Loan of 1935, Series 1, Debentures bonds, due February 1, 1976, of total face value of 11,000 Belgian Francs, evidenced by certificates numbered 33746 and 33747, for 5,000 Belgian Francs each, and certificate number 0183261 for 1,000 Belgian Francs, together with any and all rights thereunder and thereto,

d. Three (3) Kingdom of Belgium, 4% Unified Loan of 1935, Series 1, Debenture bonds, due February 1, 1976, of total face value of 187.50 Belgian Francs, evidenced by certificate number 110365 for 100 Belgian Francs, certificate number 056698 for 37.50 Belgian Francs, and certificates numbered 078609 and 078610 for 25 Belgian Francs each, together with any and all rights thereunder and thereto, and

e. Sixty (60) shares of Belgian National Railways Co., American shares, (Societe Nationale Des Chemins De Fer Belges), evidenced by certificate number 07321, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5699; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9125]

LAVERGNE D. DIETZ ET AL.

In re LaVergne D. Dietz et al. vs. Anna Bachtel et al. File D-28-9475; E. T. sec. 12756.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Bachtel (Anna Bechtel) whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the sum of $3,675.00 deposited with the Lake View Trust & Savings Bank pursuant to an order of the Circuit Court of Cook County, Illinois entered on March 22, 1946 in the matter of "LaVergne D. Dietz et al. vs. Anna Bachtel et al." file 45-C-447,

is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Lake View Trust & Savings Bank, as agent and trustee, acting under the judicial supervision of the Circuit Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5700; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9130]

JOHN ADAM GOLDBECKER ET AL.

In re: John Adam Goldbecker vs. Robert C. Klefforth, et al. File O17-20976.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Scheele, Erika Beetman, Elizabeth Mueller, Elfrieda Oberschelp, Wilby Wermker, Wilma Wermker, Karl Wermker, Dora Niehaus, Horst Niehaus, Waltraut Niehaus, Emma Aringsmann, Wilhelm Niedendarp, George Niedendarp, Karolina Ehlersmann, Ida Niedendarp, Gustav Niedendarp, Anna Christiaener, Frieda Kamper, Alwine Woermann, Anna Steinhaus, Emma Woermann, August Drees, Ida Varwig, Lina Sparmeier, Frieda Brinkmeier, Emma Hillebrand and Anna Dierker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "John Adam Goldbecker vs. Robert C. Klefforth, et al, No. 10858", is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Sheriff of Ottawa County, acting under the judicial supervision of the Court of Common Pleas of Ottawa County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5701; Filed, June 16, 1947; 8:52 a. m.]

[Vesting Order 9132]

CHARLES KIESEWETTER

In re: Estate of Charles Kiesewetter, deceased. File No. D-28-11817; E. T. sec. 16024.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht Schroeter, Erika Schroeter, also known as Lettau, Werner Schroeter, Mrs. Albrecht Schroeter and Werner Schroeter (son of Albrecht Schroeter), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the next of kin, personal representatives, legatees, and distributees, names unknown, of Natalia Schroeter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Charles Kiesewetter, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by William E. Ringel and Oscar Fahlbusch, as executors, acting under the judicial supervision of the Surrogate's Court of New York County, State of New York.

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1, and the next of kin, personal representatives, legatees and distributees, names unknown, of Natalia Schroeter, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5702; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9137]

RICHARD MICHEL

In re: Estate of Richard Michel, deceased. File D-28-10032; E. T. sec. 14230.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Michel, Arno Fuchs, Emil Fuchs, Martin Fuchs, Anna Ely Elsholz, Martha Heine, Marie Gramm, Elizabeth Ronneberger and Erich Ronneberger, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Richard Michel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl H. Buenger, as Administrator, acting under the judicial supervision of the County Court of Kenosha County, Wisconsin;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5703; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9139]

JOHN NEGELE

In re: Estate of John Negele, deceased. File No. D-57-420; E. T. sec. 14249.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Negele, whose last known address is Rumania, is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John Negele, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Rumania);

3. That such property is in the process of administration by August R. Schwartz, as Administrator with Will Annexed, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5704; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9143]

DIEDRICH TIETJEN

In re: Estate of Diedrich Tietjen, deceased. File No. D-28-11015; E. T. sec. 15419.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Tietjen, Meta Hittmeyer, Emilie Bostelmann and Helwine Zeidnitz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, distributees, and legatees, names unknown, of Helwine Zeidnitz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Diedrich Tietjen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John L. Burk, as Administrator of the estate of Diedrich Tietjen, deceased, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

5. That to the extent that the above named persons and the personal representatives, heirs, next-of-kin, distributees, and legatees, names unknown, of Helwine Zeidnitz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

[F. R. Doc. 47-5705; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9168]

PACIFIC SODA WORKS, LTD., ET AL.

In re: Stock in Pacific Soda Works, Limited owned by Umakichi Tmai and others. D-39-17461, D-39-17461-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2 hereof, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: All right, title and interest of the persons listed below in and to 484 shares of $3 par value capital stock of Pacific Soda Works, Limited, 890 South King Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, which shares of stock are evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Umakichi Imai	4006-4045	40
	4157-4171	15
	4545-4554	10
	3873-3992	50
Yoichi Kamite	2186-2250	25
	4375-4449	75
Michihei Nakamura	341-390	50
	1961-2010	50
Shimuko Hasuike	761-810	50
Yaraku Saiki	2041-2090	50
Kiyoshi Nagata	2231-2255	25
	1761-1765	5
Kichijiro Oshima	4630-4649	20
Hikozo Nishikawa	4736-4740	5
	1736-1745	10
	4368-4369	2
Jewtaro Doi	3521-3522	2

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5706; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9181]

FRIEDA G. ZIMMERMAN

In re: Stock owned by Frieda G. Zimmerman, also known as Frieda Zimmermann, also known as Frieda Zimmerman. F-28-739-D-1, F-28-739-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda G. Zimmerman, also known as Frieda G. Zimmermann, also known as Frieda Zimmerman, whose last known address is Berlin, Steglitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $100.00 par value common stock of The Cleveland Railway Company (in liquidation), c/o Cleveland Trust Company, Liquidating Agent, Cleveland 1, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number 68600, registered in the name of Frieda G. Zimmerman, together with all declared and unpaid dividends thereon, and any and all rights under a plan of liquidation, dated, 1941, whereby certificate holders approved an offer by the City of Cleveland, Ohio to purchase the aforesaid stock, and

b. Two Hundred (200) shares of $1.00 par value common stock of Cleveland-Sandusky Brewing Corporation, 2764 East 55th Street, Cleveland 4, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificates numbered 528 for 100 shares and 529 for 100 shares, registered in the name of Frieda Zimmermann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5707; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9191]

CHARLES R. HOWARD

In re: Trust Indenture of Charles R. Howard, deceased, dated June 8, 1931. File D-34-902; E. T. sec. 15604.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilona Howard (nee Ilona Bernat), whose last known address is Hungary, is a resident of Hungary and a national of a designated enemy country (Hungary);

2. That all right, title, interest, and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in, to and under trust indenture of Charles R. Howard, deceased, dated June 8, 1931, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Hungary);

3. That such property is in the process of administration by Mary M. Mischler, as trustee, acting under the judicial supervision of the Probate Court of Suffolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Hungary).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5708; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9192]

JOHN CHRISTIAN HUNKEN

In re: Estate of John Christian Hunken, deceased. File D-28-4126.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Otten (nee Bottjer), Johann Hunken, Georg (George) Hunken, Heinrich Hunken, Meta Schmatzen (nee Hunken), Friedrich Bottjer, Meta Bottjer, Anni Hunken (nee Bottjer), Adele Meyer (nee Bottjer), Greta Puckhaber (nee Bottjer), Julius Von Oesen, Mrs. Anna Duensing, Mrs. Martha Hunken, Luise Wellbrock (nee Hulseberg), Anni Bornemann (nee Hulseberg), and Lina Rober (nee Hulseberg), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the surviving issue, names unknown, of Hinrich Hulseberg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Christian Hunken, deceased, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforementioned nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the above named persons and the surviving issue, names unknown, of Hinrich Hulseberg, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5709; Filed, June 16, 1947; 8:53 a. m.]

[Vesting Order 9197]

HABBO TJADEN

In re: Estate of Habbo Tjaden, deceased. File No. D-28-9543; E. T. sec. 13006.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Geerd Tjaden, Loeerd Tjaden, "John" Tjaden, name "John" being fictitious, true first name being unknown, Gefke Pawn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Geerd Tjaden, the issue, names unknown, of Loeerd Tjaden, the issue, names unknown, of "John" Tjaden, and the issue, names unknown, of Gefke Pawn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Habbo Tjaden, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer, as Public Administrator, acting under the judicial supervision of the Surrogate's Court, Nassau County, Mineola, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the issue, names unknown, of Geerd Tjaden, the issue, names unknown, of Loeerd Tjaden, the issue, names unknown, of "John" Tjaden, and the issue, names unknown, of Gefke Pawn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5711; Filed, June 16, 1947; 8:54 a. m.]

[Vesting Order 9206]

KUNJI MUTO, ET AL.

In re: Stock owned by Kunji Muto and others in Hawaiian Pineapple Company, Limited.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in subparagraph 2, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: 67 shares of no par value common capital stock of the Hawaiian Pineapple Company, Limited, P. O. Box 3380, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name:

Registered owner	Certificate No.	Number of shares
Kunji Muto	HCO2630	43
T. Naguchi	HCO1906	10
Miichiro Suzuki	HCO2589	14

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-5712; Filed, June 16, 1947; 8:54 a. m.]